

THE
YANKEE SPY.

Calculated for the *religious Meridian* of MASSACHUSETTS; but will answer for NEW-HAMPSHIRE, CONNECTICUT, and VERMONT, without any material Alterations.

By JACK NIPS.

[John Leland]

BY THE LIFE OF PHARAOH, YOU ARE A SPY.

JOSEPH.

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1754

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Q. WHY are men obliged every year to pay their taxes?

A. To support government.

Q. What is government?

A. The government here intended, is the mutual compact of a certain body of people, for the general safety of their lives, liberty, and property.

Q. Are all systems of civil government founded in compact?

A. No: successful robbers and tyrants have founded their systems in conquest—enthusiasts and priest-ridden people have founded theirs in grace—while men without merit have founded their system in birth; but the true principle, that all Gentile nations should found their government upon, is, compact.

Q. Was civil government appointed by the Almighty from the beginning?

A. It was not; nor was it necessary until sin had intoxicated man with the principle of self-love. The law was not made for a righteous man, but for the disobedient.

Q. What form of government prevailed first among mankind?

A. Patriarchal. The father of a family used to exercise some sovereignty over his successors, until they moved from the city of their father, and became patriarchs themselves.

Q. How long did the world stand without any government in it but patriarchal?

A. There

A. There was no other kind before the flood (which was more than one thousand six hundred and fifty-five years) nor afterwards till *Nimrod*, two generations after the flood.

Q. What was *Nimrod*?

A. He was the first that began to be a mighty war in the earth—*He* was a mighty hunter before the Lord; who hunted beasts to support his army with; and hunted men to reduce them to his will.

Q. What form of government did he adopt?

A. A kingly form; for the beginning of his kingdom was *Babel*, *Erech*, *Accad*, and *Calneh*. He was the first of those petty creatures, called kings, who reduced others to subjection by hunting them like beasts.

Q. Did the Almighty ever give a code of political laws to any nation; or are nations left to act at discretion in establishing forms of government and codes of laws?

A. The Almighty did certainly give the nation of *Israel* a complete code of laws on *Sinai* and in the wilderness, for their rule of conduct in religious, civil, and military life.

Q. Were those laws obligatory on other nations?

A. Laws, that are in themselves just, are binding on all men, but the particular form of many of those laws was peculiar to that nation. The transgression of many of those precepts was criminal at that nation, which the *Canites* were never accused of by their great apostle, *Paul*.

Q. What did other nations do, in point of government, while *Israel* was in the wilderness and under the regulation of *Moses*?

A. When *Nimrod* usurped the monarch's crown, the spirit of domination ran through the world like a raging plague. *Abraham* went out of the land of *Shinar*, where *Nimrod's* seat was, to seek *Nimrod*, and founded the *Affyrian* monarchy; and the contagion of having kings and being kings prevailed so greatly, that every little village had a king. *Abraham*, with three hundred and eighteen servants, conquered four of them and their hosts—*Yefter* destroyed thirty-one—and *Adoniram* cut off the thumbs and great toes of twenty—Also eight kings and eleven dukes reigned over *Israel*, before any in *Israel*.

Q. In what condition was the nation of *Israel*, after they left *Moses*, when *Saul* reigned over them, in regard to their police?

A. The state in a time of theocracy, the best of all forms, when men have more virtue enough to bear it.

Q. Was there no man among them who exercised dominion over the rest?
A. *Mast*

1. Moses and Aaron executed divine orders among them; the princes of the tribes and the officers bore authority, and the judges, of whom there were thirteens, had some prominence, but neither of them had the power of making laws; when God appointed them, they were to execute his laws, and no other.

2. Was the code of laws, ordained for the government of Israel, sufficient to govern other nations by, in their very different circumstances?

1. It was not: Canaan was an island country—the people were forbidden to trade with other nations; so that no laws were made for navigation, commerce, or union; all of which are necessary in Gentile nations. And, beside, their civil and religious laws were all blended together. The sabbath of the seventh day—seventh year and fiftieth year—the three grand feasts, and a multitude of sacrifices, ceremonies, and oblations were enjoined on that people, which things Gentile nations have nothing to do with.

2. Has the political part of that constitution ever been abused by Gentile legislatures?

1. Abundantly so, among Gentile nations that have become Christian; for by bringing Christian states upon the basic footing of the commonwealth of Israel, they have supposed that Christian nations have a just right to dispossess the Heathen of their lands and make slaves of their persons, as Israel served the Canaanites and Jebusites: for no better claim than this had the European nation to make a seizure of America. Nor is this all: but civil rulers, in Christian countries, have taken the liberty of adopting such precepts of the Mosaic constitution as suited them; and punished those who would not submit, when, at the same time, they have left unnoticed a great number of the precepts of Moses, which were equally obligatory.

2. Has the ecclesiastical part of the Mosaic constitution ever been abused as well as the political part?

1. Yes, and that to a great degree. The church of Israel took the whole nation, and none but that nation; whereas Christ's church takes no whole nation, but those who fear God and work righteously in every nation. But almost all Christian nations and states (since the reign of Constantine) have sought to establish national churches: in order to effect which, they have brought in all the natural foes of the professors into the pale of the church, making no difference between the precious and the vile; and from this foundation they have appealed to the laws of state, instead of the laws of Christ, to direct their mode of discipline. What a scandal

scandal it is to the Christian name, to see church discipline executed in a court-house, before the judges or the police; to see censures given at the whipping-post and excommunications at the gallows; and to see smaller offences, to be admonished by a sheriff's whipping and riding cows, &c. or wiping off the admonition by a common sweep! Yet such has been, and still is the case, even in New-England, that has made her boast of religion and liberty. Circumcision, as to its first institution, was not of Moses, but of the fathers that lived before Moses, yet it was imposed by Moses to be performed on all the males of Israel. From this a great number of ecclesiastics have changed blood for water, and sprinkle their children instead of bleeding of them, in order to make the gospel church as extensive as the church of Moses was. Yet many of them will not admit a person to go back as far as Adam for the origin of baptism, because (say they) John's administration was under the law; yet they will run back two thousand four hundred years before John for a precedent of baptism.

Was not circumcision to the church of Israel, the same that water-baptism is to the church of Christ?

And if so, the following objections arise.
1. *That while the males were circumcised, whereas both males and females are sprinkled with water. To say that the females were circumcised in the males, is just as good, as to say the females are virtually sprinkled in the males.*

2. *None were ever circumcised under eight days old, which was the age when Isaac was appointed; his children are sprinkled some time.*

3. *The Baptists and Newlights have bewinged, fished, and winged, and winter and summer have been long in Massachusetts.*

4. *Pruning and selling, for ministerial tax, is still practised in many towns in this day.*

5. *A Rev. Gentleman in the County of Worcester, who, like many of his brethren, views John's Baptism under the law, contends for infant baptisms from Genesis, and says the law of Moses was in force while Adam lived, and even to the death of Jesus, I do not deny, but that John baptised in Jordan and Enon, such, and such may, as tokens for a strain of repentance, by any order of the law, and be done until it can be proved, if an institution appointed before the death of Christ is imitable for Christians, the holy Suffer should be neglected.*

times before they are eight hours old. Midwives have been empowered to do it in case death was nearer than a week.

3. Circumcision was never a priestly rite; but fathers, mothers, and friends did the work; but for a long time it is supposed to be a ministerial rite.

4. Whatever circumcision figured out, it was something that was wrought in the *flesh* and done *without hands*; and as there is nothing done by men, that is called *circumcision of the heart*, either sprinkling, pouring, or dipping, that can possibly change the *flesh* to neither of them are effected without the hands of men. The conclusion therefore is, that the *flesh* did not figure out the *heart*.

5. None but those who were circumcised were to inherit the land; of course then, none but those who are baptised with water can inherit heaven; which is a consequence inadmissible.

Q. What do you think of the British constitution of government?

A. There is no constitution in Britain.—It is said, in England that there are three things unknown, viz. The prerogatives of the crown.—The privileges of parliament.—and the liberty of the people. These things are facts, for although they consider the forty-two articles of the *Magna Charta* as the basis of their government, yet from that basis they have never formed a constitution to describe the limits of each department of government. So that precedents and parliamentary acts are all the constitution they have.

Q. How does government operate in England?

A. A hereditary king, of the Protestant faith, must always fill the throne, whether he be a wife man or a dunce. A house of lords, of the hereditary mould, must always check the house of commons.

Q. What is the house of commons?

A. It is a representative body of a small part of the nation, chosen once in seven years. It is called the house of commons, because the house of lords is a house of merchants, supposed to be a species of beings, like the *Gens* of the Mahometans, between angels and men, born only to rule, without having a fellow feeling with those whom they rule over.

Q. What condition has this form of government reduced the people to?

A. It has sunk them in a debt of more than two hundred and eighty millions; so that the interest of their debt, together with the support of the civil and military lists, imposes an annual tax

on the people equal to thirty shillings sterling per soul, and at the expiration of the year the nation is a million pounds more in debt than at the beginning.

Q. How stand religious concerns in England?

A. The thirty-nine articles and book of common prayer are established by law. No man can fill any office in the civil or military departments without taking an oath to support them, and upon receiving a commission he must seal his oath with the ecclesiastical: this is true of all, saving the members of parliament, who are obliged only to take the oath of abjuration, *against Pope and Popery*.

Q. But are there none in England that dissent from the established religion?

A. Many of them, of various denominations.

Q. How do they fare?

A. They are deprived of such advantages as the Conformists enjoy: In addition to all their proscriptions, the tenth part of all their income is taken from them to support priests that they never hear, and in whom they place no confidence.

Q. Is it supposed that the articles and forms of the church of England are so perfect that they cannot be mended?

A. They are always perfect when Dissenters are handled. *Edward Worsley* was burnt to death at Litchfield, by a warrant from prince *Jones*, for saying that the worship of God was not fully described in the thirty-nine articles and book of common prayer; and nearly eight thousand lost their property, liberties and lives in the reign of the merciful king *Charles*, because they could not, would not say, that they believed what they could not believe, and so conform to the established worship.

They are still always perfect when a candidate enters into holy orders; for all of them do solemnly declare that they give their assented assent and consent to all and every thing contained in that book; and yet, from the first foundation of that book, it has past above six hundred alterations; and to this day, many parts of it are complained of by many of the Episcopal clergymen.

Q. What have you to say about the Federal Constitution of America?

A. It is a novelty in the world: Partly confederate and partly consociate. Partly directly elective, and partly elective one or two members from the people; but one of the great excellencies of the Constitution is, that no religious test is ever to be required to qualify any officer in any part of the government. To say that the Constitution is perfect, would be too high an encomium upon the

the fallibility of the framers of it ; yet this may be said, that it is the best national machine that is now in existence.

Q. What think you of the Constitution of Massachusetts ?

A. It is as good a performance as could be expected in a state where religious bigotry and enthusiasm have been so predominant.

Q. What is your opinion of having a bill of rights to a constitution of government ?

A. Whenever it is understood, that all power is in the monarch — that subjects possess nothing of their own, but receive all from the potentate ; then the liberty of the people is commensurate with the bill of rights that is squeezed out of the monarch.

After the conquest of *William*, the government of England was completely monarchical, until the reign of *king John*, when the *Magna Charta* was given to the people : this has often been mentioned in America as a sufficient reason for a bill of rights, to preface each constitution : but in republican, representative governments, like those of America, where it is understood that all power is originally in the people, and that all is still retained in their hands, except so much as for a limited time is given to the rulers, where is the propriety of having a bill of rights ? In this view, no such bill is found in the Federal Constitution.

But it is not my intention, at this time, to dispute the point of propriety or impropriety of a bill of rights ; but shall only add that the liberty of the people depends more upon the organization of government, the responsibility of rulers, and the faithful discharge of the officers, than it does upon any bill of rights that can be named.

The illustrious patriots of Massachusetts, in framing their Constitution of government in 1780, prepared a bill of rights, which is adopted in the state, on which I shall make some remarks. The bill contains thirty articles, upon a few of which I shall animadvert.

In the second article it is said, " It is the right and duty of all men publicly and at stated seasons to worship the Supreme Being." This article would read much better in a catechism than in a state constitution ; and sound more concordant in a pulpit than in a state-house.

Suppose there are in Massachusetts a number of Pagans and Deists : the Pagans, upon hearing that it is their duty to worship one Supreme Being only, must consequently renounce all other deities whom they have been taught to adore ; here their consciences must be dispensed with, or the constitution broken. The Deist (who believes all religion to be a cheat) must either act the hypocrite,

hypocrite, or disregard the supreme law of the State. This is called a *right*: if every man has this *right*, then he has a *right* to judge for himself, and will hardly thank any body for taking his *right* into what they may call a duty. That it is the duty of men, and women too, to worship God publicly, I heartily believe; but that it is the duty or wisdom of a convention or legislature to enjoin it on others, is called in question; and will be, until evidence can be given in the New Testament, that Jesus or his apostles gave orders therefor to the rulers of this world.

It is the duty of men to repeat and believe: to worship God in their closets and families as well as in public: and the reason why public worship is enjoined by authority, and private worship is omitted, is only to pave the way for some religious establishments by human law, and force taxes from the people to support officious priests.

What leads legislators into this error, is confounding *crimes* together; making no difference between *moral evil* and *religious evils*: not considering that a man may be infected with *religion*, and yet be guilty of no crime, punishable by law. If a man worships one God, three Gods, twenty Gods or no God; if he says a prayer one day in a week, seven days or no day; whether he injure the life, liberty or property of another? Let all these actions be supposed to be religious evils of an enormous size; yet they are not crimes to be punished by the laws of State, which extend no further (in justice) than to punish the man who works ill to his neighbour.

When civil rulers undertake to make laws against moral evil and punish men for heterodoxy in religion, they often run to gross excesses. The eating of a potatoe for food, and using emetick for physic, were once considered in France as religious evils. *Genois* was once excommunicated and banished by the Pope, as a man of dangerous heresy, because he believed in the Copernican system. The ancients were treated as hereticks, who believed they had antipodes. The court of Zurich made a law to drown Felix Mentz with water, because he was baptized with spirit. In short, volumes might be written and have been written to show what havoc among men, the principle of mixing *religion* and *crime* together has effected; while men in power have their own opinions as infallible tests of right and wrong.

The third article of the bill of rights is similar to the second in structure. It is said, "The people of this commonwealth have a right to invest their legislature with power to authorize

require, and the legislature shall from time to time authorize and require the several towns, parishes, &c. to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers, in all cases where such provision shall not be made voluntarily."

If the legislature of this commonwealth have that power to institute and establish that religion, which they believe is the best in the world, by the same rule all the legislatures of all the commonwealths, states, kingdoms and empires that are in the world, and that have been in the world, may claim the same.

If dumb idols are called devils, and idolatry is the religion of the devil, this claim of power brings all the Gentile nations under the government of the devil. Idolatry was established by this pretended power in the Gentile nations, when the Christian religion first was sent among them: now if that establishment was right, then the Apostles were wrong in separating so many thousands from the established religion. They were guilty of effecting a schism, and government was innocent in inflicting such punishment upon them and their adherents. In process of time the religion of Christ prevailed so far that it was established in the empire of Rome; at which epocha it received a deadly wound, which gradually reduced it to superstition, fraud and ignorance: so that in the sixteenth century a number of kingdoms and principalities protested against the church of Rome: But this was a grand piece of obstinacy, if rulers have the power that the article under consideration says belongs to the legislature of Massachusetts. These Protestants, especially in England, retained so many of the Papal relics, that great numbers became Nonconformists: Here they repeated their crime, rejecting the English establishment, as well as that of Rome. Some of those Nonconformists came into New England, and soon began to exercise that power which the bill of rights says they have a right to.

Now, how shall all these evils be remedied? Answer—All who have dissented from the established religion of New England must return to that fold, and confess their errors—Then all must return to the church of England and submit to that establishment—Then, joining with the Episcopalians, all must apply to the Pope for pardon, and submit to his uncontrollable authority—Then, with the Papists, all must return to the Pagans, and submit to Polytheism. If the power spoken of is right, then this mode of procedure is right: and therefore, if it is not the natural consequence of religious

ious establishments, by human law, to bring all men under the government and religion of the devil, it is because there is neither devil nor devilish religion in the world.

It is observed, that "The people of this commonwealth have a right to invest their legislature with this power." But where do they get this right? The universe is composed of a multitude of units; so this commonwealth is formed by a number of individuals. The confederacy is the sovereign, and rulers are agents; and how can the creature have more power than the Creator? *Propter quod unum quodque est tale, illud ipsum est maxis habet.* Whatever is found in the commonwealth, in aggregate, is found in small, essential particles among all the individuals: if therefore *this power* is in the commonwealth, each individual has a little of it in his own breast; and has a right to exercise it towards his neighbour, and force him to worship God, when, where and in such a manner as he himself shall chuse; and if this be the case, what means the first article in the *bill of rights*; where it is said, "all men are born free and equal." To be consistent, either this clause should be erased, or the power contended for given up.

This power is to be used to oblige people "to make suitable provision, at their own expense, for the institution of the public worship of God." I have long been of the belief that Jesus Christ instituted his worship; and if my faith is well founded, there it is not left for rulers to do in these days: But surely nothing more can be meant by it, than, that the legislature shall incorporate religious societies, and oblige them to build houses for public worship. Parishes, precincts, and religious societies politically embodied, are phrases not known in the New Testament—convey ideas contrary to the spirit of the gospel, and pave the way for force and cruelty, inadmissible in Christ's kingdom, which is not of this world. If a number of real saints are incorporated by human law, they cannot be a church of Christ, (by virtue of that formation) but a creature of state.

This power is further to be exercised to require the people to be at expense "for the support and maintenance of public Professors and teachers."

Preaching by the day—by the month—by the year—annual taxes for preaching—what strange sounds these are! not strange in these days; but such strangers in the New Testament, that they are not to be found there. How insignificant would the federal government be, if it was dependent on the laws of the states to support its officers! That government that has not force enough

in it to support its officers, will soon fall; just so with the government of Jesus. The author of our religion has appointed a maintenance for his teachers; but has never told the rulers of this world to interfere in the matter.

How much did John the Baptist, Jesus, Peter, James or John ask per year? Answer.—I know not. If a man preaches Jesus, he cannot ask enough for it; the gold of Ophir cannot equal it: If he preaches *himself*, it is good for nothing.

Strange it is, that men should pretend to be sent by God to preach to sinners; and yet will not do the work of the Lord, unless they can get men to be legal bondsmen for Jehovah.

To read in the New Testament that the Lord has ordained that those that preach the gospel shall live by its institutions and precepts, sounds very harmonical; but to read in a state constitution that the legislature shall require men to maintain teachers of piety, religion and morality, sounds very discordant.

We may next observe, that the legislature of Massachusetts have not got power to provide for any public teachers, except they are *Protestant*. Pagans, Turks and Jews must not only preach for nothing; but Papists, those marvellous Christians, cannot obtain a maintenance for their preachers by the laws of this commonwealth. Such preachers must either be supported voluntarily, support themselves, or starve. Is this good policy? Should one sect be pampered above others? Should not government protect all kinds of people, of every species of religion, without showing the least partiality? Has not the world had enough proofs of the impolicy and cruelty of favouring a Jew more than a Pagan, Turk or Christian; or a Christian more than either of them? Why should a man be proscribed or any wife disgraced for being a Jew, Turk, Pagan, or a Christian of any denomination, when his talents and veracity (as a civilian) entitle him to the confidence of the public?

The next thing to be noticed is, that the legislature of Massachusetts is invested with power and authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers—at stated times and seasons. By which stated times, no doubt, is meant the days called Sabbaths, Sundays, (Sondays) First-days or Lord's-days. I shall not dispute the point about the holy day, whether it was enjoined on men from the beginning, or never before the manna was given in the wilderness—whether the fourth commandment in the decalogue was of a moral or criminal nature—whether it was binding on all nations, or only on Israel

rael—whether the same day of the week is to be kept to the end of the world—whether the seventh part of time answers the end of the law, or whether the seventh day is changed for the sixth; but shall use the liberty of saying, that the appointment of such stated, holy days, is no part of human legislation. I cannot see upon what principle of natural right, the people of Massachusetts could invest their legislature with that power; and as I cannot deduce it from the source of natural right, so neither can I find a hint of it in the New Testament, that Jesus or his Apostles ever rebuked any for the neglect of that day; or that ever they called upon civil rulers to make any penal laws about it. And it is curious to see what havoc rulers make of good sense whenever they undertake to legalize said day. No longer ago than 1791 the legislature of this commonwealth made a sabbatical law; whereby, for the ground work, they say, that the seventh part of time is to be kept holy: But how do they calculate time? A man on a journey may travel until Saturday night, midnight, and begin again on Sunday at sundown: if eighteen hours is the seventh part of a week, then their calculation is good; but being conscious that it is not, they make it up (i. e. pay what they have borrowed) by a sort of recreation; for such exercise must cease on Saturday at the going down of the sun, and continue to cease till Sunday midnight. It may further be observed, that the law of God and the laws of men differ widely in Israel: the law that enjoined the observance of the seventh day on the nation of Israel, which came from Jehovah, did not except the works of necessity and mercy; neither man, maid nor beast were to work—but a little ways were they to travel—a bundle of sticks was not to be gathered and laid on the fire—not had they any orders to assemble on that day, in their villages, to read the law of Moses. It was to be a day of rest, which gave it the name *Sabbath*: but the laws of men have many exceptions, that nothing and any thing are done on said day. But however these things are, the legislature of this state is obliging the people to attend on their fixed duties, to hear the instructions of their teachers of piety, religion and morality, if they be any on whole instructions they can conscientiously and comfortably attend. There is a gap wide enough for any man to choose. If attending to go to meeting is not justified by plain necessity, his conscience will soon do it; but whether he goes to church or no, his politics must go to the treasurer's pocket. It is true that one sect of Protestant Christians has as fair an opportunity to be incorporated as another; but there are many who

justly despise the idea of religious incorporation by human law; and therefore those who do not, have an undue advantage of others. Supposing, in France, the National Convention should decree that all sects of Christians, that believed that kings, in certain cases, might wear their heads and crowns upon them, should have equal privileges in France; I ask, whether the Jacobin party would share equal favours with the royalists? So in this case, all sects of Protestant Christians that chuse to be incorporated, may elect their own teachers and contract with them for their maintenance, and affect it upon all within their respective jurisdictions; and those who cannot, in conscience, accord with them, must pay their tax with the rest, and be at the disposal of it out of the treasury again, which sometimes happens in the law suits.

Now, if it should be argued that a great many of these who profess to believe, in their consciences, that it is necessary to serve God, to have societies incorporated by law, are not upon all to support their worship and maintain their churches, easily the above evils might be prevented, and no man's conscience. If those only, who are conscientious, are incorporated, and tax none but themselves, it is a cruel disfranchising from those whose consciences dissent from their mode of worship. A man can cheerfully work when he is doing God-service; a man therefore who is conscientious in religious incorporation, can joyfully give in his name to be taxed, and he who believes that the law has nothing to do with his worship, can as joyfully stay at home. The last of these has good grounds to judge that the first plead conscience for exemption, as the first have to judge that the last plead conscience for exemption.

But there is no need for a constitutional clause about things of this nature; for if a number of men contract with a preacher for a year, or for life, the bond which they give him, is as recoverable by law as any bond whatever; but the poison of such contracts is, including those who do not act voluntarily, and perpetuating them upon their successors or natural offspring.

The last clause of the third article reads thus:

"And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another, shall ever be established by law."

On this section I have several remarks to make :

First. The first part of it is very liberal, to a certain degree; but if it read *all men* instead of *every denomination of Christians*, it would be unexceptionable.

When the Pagans were favoured, by law, more than Christians, what devastation it made in the empire of Rome, in the introduction of the Christian religion, until the reign of Constantine. In the three first centuries almost two millions of lives were lost for conscience sake. These were men, women, and children, who were as good subjects of state as any in the empire. After the change in the empire, when the Christian religion became established by law, the Pagans suffered in the same manner as the Christians had done in the ten preceding persecutions. Who can read the history of these sufferings without seeing the baseness of establishing either of the religions in the empire!

Second. Although the clause now under consideration is somewhat liberal, indeed entirely so among Christians, yet it always agrees with a former clause in the same article, where the establishment is forbidden to incorporate any Christians but *Protestants*; and these, are not vested with power to do it. *Protestants* may be forced into religious societies and districts for a maintenance for their teachers.

One of two things must be granted; either that Papists are no Christians, or that there is a partially established. Among ill-temper'd bigots, who believe nobody right but themselves, who consider the Christian religion to their own sect, and conclude that they have the exclusive right to monopolize salvation, it would not be strange to hear the Papists, and all others who differed with them in sentiment, were no Christians: but this cannot be the case here. The framers of the constitution were men of information and acquaintance with the world; the result is, that there is a contradiction in the two clauses of the first article.

Such is the state of things in Massachusetts, that the legislatures, according to the power vested in them by the first part of the third article, have made such laws as have effected a subordination of one sect to another, contrary to the last clause in the same article.

On March 23, and June 28, 1786, two acts passed; the one respecting towns, the other precincts, which effect the subordination just mentioned. These two laws were somewhat unskillful in structure, and therefore a quotation from one of them will

suffice in this place. Each inhabitant has the power of voting in town or precinct affairs, who pays two thirds more in one tax than a poll tax; and then follows, "That the freeholders and other inhabitants in each respective town, qualified as aforesaid, at the annual meeting for the choice of town officers, or at any other town-meeting regularly warned, may grant and vote such sums of money as they shall judge necessary for the settlement, maintenance, and support of the ministry, to be assessed upon the polls and property *within the same* as by law provided."

Now if any Christians but Protestants are thus incorporated, the constitution is violated; and if none but Protestants, what may the Catholics say? But this is not all; by this act, property entitles a man to church privileges. A degree of simony is contained in the act. The wisest man that was ever born of a woman could not estimate *wisdom*, by all the gold and pearls on earth; but here a little property procures it; at least an annual tax entitles a man to the rights of it. Whether these voters are spiritual, moral, or profane, they have an equal suffrage in the choice of spiritual teachers, who have (or should have) the cure of souls at heart.

It is well known that there are a number of Baptists in this state; in some towns they and their adherents form a majority; but in the greatest part of the towns, those called the *funding order* are superior in number to all the rest. As the Baptists are Protestants, where they form a majority, they might be incorporated as well as others, and tax all in the town or precinct to part with their money for religious uses. But it is well known that they are principled against it. They do not believe that the legislature have any proper authority (upon the scale of good policy) to make any laws to incorporate religious societies and require a maintenance for the ministry. Now the question is, Do their sentiments prevent their demeaning themselves as peaceable subjects of state? Let those who differ with them in judgment answer. Yet from their known and conscientious principles, how are they reduced to subordination in various places?

In a town or precinct where the Baptists are a minority, the major part choose and settle a minister; the expense is levied upon all according to poll and property; the Baptists in this case must either part with their money to support a religion that they do not fully believe in; or be subordinate enough to get a certificate to draw it out of the treasurer's hand. Some have condescended to the last mode, as being the best alternative they had; while others have had such a disgust to submit to a power, belong-

ing neither to the kingdom of the Messiah, nor the civil government on earth, that they would not bow let the consequences be what they would. The disfraining law suits and oppositions that have risen from this source, even since the ratification of the present constitution, need not be mentioned at this time.

One observation more shall close my strictures on this article. It is well noticed, that none shall be protected by law, but those who properly demean themselves as peaceable subjects of the commonwealth. This, however, should be extended to all religions, as well as to Christian denominations.

For any man, or set of men, to expect protection from the law, when they do not subject themselves to government, is a vain expectation. Let a man's motive be what it may, he shall have what object soever in view; if his practice is against the good law, he is to be punished. Magistrates are not to be guided by his motive or object, but his actions.

Without adverting to Bohemia; Manley, and other attempts in Asia, for instances, we shall pay attention to a few domestic transactions of our own. A Shaking-Quaker is a violent fanatic, and his wife sets a mill-pond, in cold weather; his plan was, that God ordered him so to do. Now the question is, Ought he to be punished as much as if he had done the deed in cold blood? Was not the sin the same as if he had done the deed in cold blood? Was not the sin the same as if he had done the deed in cold blood? Was not the sin the same as if he had done the deed in cold blood? The answers to these questions are easy.

In the year 1784, Matthew Womble, of Virginia, killed his wife and two sons, in obedience to a Shining One, (whom he said, was the Son of God) to merit heaven by the action; but if the court had been fearful of offending that Shining One, and spared Womble's soul, they would never have inflicted that punishment upon him which they did the October following. Neither his motive, (which was obedience), nor his object, (which was the salvation of his soul) had any weight on the jury.

Should magistrates or jurors be biased by such protestations, the most atrocious villains would always pass with impunity.

I shall here add, that in Scotland, two women were brought before the sessions for fornication, one of them was a church member and the other was not. She who was a daughter of Zion was fined, and the man who had defiled her was judged a vile seducer and severely fined; but she who was not a member of the church, was judged a lewd flatterer and was driven out of the parish, that she might not deceive honest men any more.

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Should a man refuse to pay his tribute for the support of government, or anywise disturb the peace and good order of the civil society, he should be punished according to his crime, in his religion he would be protected in worshipping the Deity according to the dictates of his own conscience.

In the case, that laws are made which restrain the liberty of conscience; and because men cannot stretch their consciences like a piece of wax, these nonconformities are punished as crimes, and disturb the peace. The complaints of the Jews, who were troubled by the laws that were made about Daniel and his associates, and see who were the aggressors, the law makers or the law breakers. The rights of conscience should always be considered inalienable—religious opinions are not the objects of civil government, nor any ways under its jurisdiction; laws should only affect civil society; then if men are disturbers they ought to be punished.

Among the many beautiful traits of the constitution of Massachusetts, the provision made for its revision shines with great fulgurance.

Stability and improvement should be mixed together in government. But few nations have ever had patriotic felicitous laws to remove the radical deficiencies of government without falling into convulsion and anarchy. There are certain vices and tides in men, and bodies of men, which often break over all proper bounds, without a proper check. To leave government therefore to chance, that a bare majority can alter it, when under some prevailing passion, exceeds that permanency that the good of the whole, and the confidence of allies, call for. In this last view of things, the real, confessed evils had better be borne with than to make government too fluctuating. In the federal government it requires two thirds of the states, or two thirds of the members of congress, to change the constitution. In Massachusetts the same, but not till after the experiment of fifteen years. However this may appear to others, to me it appears one of the fairest lines in the constitution; a signal of a patriotic people, conscious of their liability of mistake, wishing to improve in policy, attached to energy and freedom. And there is no doubt, but in the year 1790, the citizens of this state may meet by their delegates and coolly may amend the constitution, and remove its defects that time and experience have discovered, without the least danger of tumult

amult or noise. Should that be the case, it is hoped that some things, respecting religion, will be altered, which is the chief end of the publishing of this small tract.

If the constitution should be revised, and any thing about religion should be said in it, the following paragraph is proposed.

"To prevent the evils that have heretofore been occasioned in the world by religious establishments, and to keep up the proper distinction between religion and politics, no religious test shall ever be requested as a qualification of any officer in any department of this government; neither shall the legislature, under this constitution, ever establish any religion by law, give any one sect a preference to another, or force any man in the commonwealth to part with his property for the support of religious worship, or the maintenance of ministers of the gospel."

THE END.

1794.